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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,337

02/25/2004

Christopher Hunter

040064

2336

23464

7590

04/19/2007

BUCHANAN INGERSOLL & ROONEY PC

P.O. BOX 1404

ALEXANDRIA, VA 22313-1404

EXAMINER

FAN, HONGMIN

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/708,337	HUNTER, CHRISTOPHER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hongmin Fan	2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

Paragraph 0021, line 12, "...geographic area. [ " should be changed to -- geographic area. --.

Paragraph 0027, line 4, "station 69" should be changed to -- station 68 --.

Paragraph 0033, line 5, "a GPS satellite 62," should be changed to -- a GPS satellite 62, --.

Appropriate correction is required.

### ***Claim Objections***

Claim 3-5 is objected to because of the following informalities:

Claim 3, line 1, "a computer" should be changed to -- a 2<sup>nd</sup> computer --.

Claim 4, line 2, "said computer" should be changed to -- said 2<sup>nd</sup> computer --.

Claim 5, line 3, "said computer" should be changed to -- said 2<sup>nd</sup> computer --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7-8 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A filter that filters out certain of said unique identification numbers is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). In the specification, paragraph 0028, line 6-8, it states "it is possible for the central monitoring station 68 to indicate to receiving stations 31 to filter out all but one of the unique identifying numbers". Clearly, the filter is in the receiving end computer, not in the transmitter.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-11, 13, 15-20, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro (US 5705980), in view of Welch (US 6075442).

As to claim 1, referring to Fig. 1, Shapiro disclosed an apparatus for locating a person having the claimed limitation, comprising an antenna 36 for receiving a signal from a transmitter 30, which is identified by a unique digital code (col. 3, line 11-12), a computer 12 for locating operation (i.e. estimating the location of the person) and paging operation (i.e. sending a message with location information) (col. 3, line 20-21). Shapiro did not disclose estimating the location based on the signal strength. However,

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it is well known in the art to use signal strength to estimate a location of a person.

Referring to Fig. 1, Welch teaches a child locator system wherein the frequency directional receiver operates as a simple signal strength indicator (col. 1, line 65-66).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use the signal strength to estimate the location of the person interested in Shapiro's apparatus since the technology is well known in the art.

As claim 2, Shapiro disclosed the unit's digital code and the person's identity are indexed with one another and stored in memory at the security station 12 (col3, line 13-15), which means a database is used.

As to claim 3, referring to Fig. 5, Shapiro disclosed a computer system 98 at the paging facility for receiving the location information.

As to claim 4, Shapiro disclosed security station 12 is linked with the paging facility 16 by a land wire line 22 (col. 2, line 27-29). One of ordinary skills in the art readily recognizes that Internet connection is a land line.

As to claim 5-6, referring to Fig. 1, Shapiro disclosed the signal is received by a number of the stations 12, 32 so that the person's location can be determined using, for example, known triangulation or trilateration techniques (col. 5, line 64-67).

As to claim 10, Shapiro further disclosed at a University, wherein students and staff members each carry a small transmitter that allows them to summon help while on campus (col. 1, line 22-24).

As to claim 11, Shapiro did not disclose the transmitters periodically transmit the signal. However, it is well known in the art to have the transmitters periodically transmit

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the signal in order to track a person. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to have the transmitters periodically transmit the signal in Shapiro's apparatus in order to track a person.

As to claim 13, Shapiro further disclosed the person 28 carries a portable alarm unit (i.e. portable transmitter) 30 which, when actuated by the person (i.e. by a switch), transmits an emergency signal from the unit 30 (col. 2, line 38-41).

As to claim 15, the claim is interpreted and rejected as claim 1.

As to claim 16, the claim is interpreted and rejected as claim 2.

As to claim 17, the claim is interpreted and rejected as claim 6.

As to claim 18, Welch further teaches a lightweight receiver (i.e. handheld) (Abstract, line 2-3).

As to claim 19, referring to Fig. 1, Welch further teaches a plurality of indicators 121-123, each associated with at least one of said plurality of directional antennas 101-103 and capable of a variable range of illumination magnitude are used in conjunction with a signal strength detector 303 (col. 2, line 52-56).

As to claim 20, referring to Fig. 1, Welch further teaches the readout 105 can be used to display a range measurement indicative of the distance between the transmitter 20 and the radio frequency directional receiver 10 (col. 4, line 1-4).

As to claim 23, the claim is interpreted and rejected as claims 1 and 11.

As to claim 24, the claim is interpreted and rejected as claim 13.

Claims 7-9, 12, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro, in view of Welch, further in view of Robinson (US 6700493).

As to claim 7-8, either Shapiro or Welch did not disclose a filter for filtering out certain unique identification number. However, it is well known in the art to choose out certain unique identification number in order to monitor the person's movement.

Referring to Fig. 10, Robinson teaches a system for tracking and locating an individual capable of acquiring position, location and monitoring status of an object or individual (col. 3, line 1-2), which means the system can filter out a certain unique identification number.

As to claim 9, Shapiro did not expressly disclose different frequencies are used for transmission. However, one of ordinary skills in the art readily recognizes that different frequencies are commonly used in order to avoid interference.

As to claim 12, either Shapiro or Welch did not disclose the signal is relayed by an orbital satellite. However, it is well known in the art to have signal being relayed by a satellite. Referring to Fig. 10, Robinson teaches a system for tracking and locating an individual having the signal being relayed by a satellite. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to have the signal being relayed by a satellite since it is well known in the art.

As to claim 14, either Shapiro or Welch disclosed the antenna is mobile. However, it is well known in the art to use mobile antenna. Referring to Fig. 10, Robinson further teaches a mobile transceiver (i.e. antenna) 20. Therefore, it would

have been obvious to one of ordinary skills in the art at the time of the invention to have a mobile antenna since it is well known in the art.

As to claim 22, the claim is interpreted and rejected as claims 7-8.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro, in view of Welch, further in view of Glick (US 7002473).

As to claim 21, either Shapiro or Welch did not disclose a handheld locator with a keyboard. However, it is known in the art to have a handheld locator with a keyboard. Referring to Fig. 1, Glick et al disclosed a handheld locator 10 with a keyboard 56. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to have a keyboard in the Welch's receiver (i.e. handheld locator) in order to input identification information.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro, in view of Welch, further in view of Toubia et al (US 6317049).

As to claim 25, either Shapiro or Welch did not disclose either an implanted transmitter or a polymer shell for protecting the implanted transmitter. However, it is well known in the art to implant a transmitter. Toubia et al teach an apparatus for locating missing persons having implanted transponder (Abstract, line 6-9). Further, it is well known in the art to use biocompatible materials, such as polymer, to protect implanted device. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use polymer to protect the implanted device.



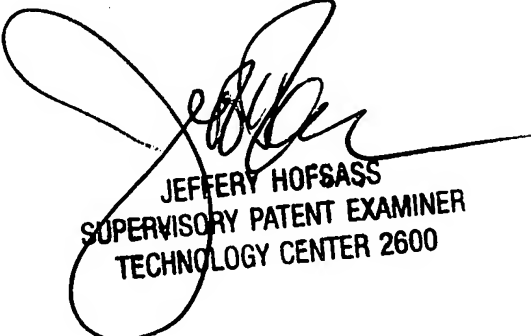
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hongmin Fan whose telephone number is 571-272-2784. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HF



JEFFERY HOFSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600